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Attorney for Cognosphere Pte. Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DMCA Subpoena to X Corp. dba Twitter

MISC. CASE NO. 3:23-mc-80294-PHK

Judge: Hon. Peter H. Kang

**STIPULATION REGARDING  
EXTENSION OF TIME TO FILE JOINT  
SUPPLEMENTAL LETTER BRIEF**

*[Declaration of James D. Berkley and  
[Proposed] Order Filed Concurrently  
Herewith]*

Pursuant to Local Rule 6-2, Movant Cognosphere Pte. Ltd. (“Cognosphere”) and interested party X Corp. (“X Corp.”) (collectively, the “Parties”) hereby stipulate as follows:

This stipulation is entered into based on the following facts.

1. On November 6, 2023, Cognosphere initiated this miscellaneous matter by filing a request with the Court for issuance of a subpoena to X Corp. pursuant to 17 U.S.C. §512(h).

2. On November 7, 2023, this Court issued the proposed subpoena, which identified a response date of November 22, 2023 (the “Subpoena”).

3. On November 21, 2023, X Corp. responded to the Subpoena with written objections. The Parties have met and conferred, but to date have not agreed on a resolution concerning the requests to produce information contained in the Subpoena.

1       4. On January 8, 2024, pursuant to the Court's Discovery Standing Order and a  
 2 stipulation by the Parties dated January 5, 2024, the Court extended the date for the Parties to file  
 3 a joint discovery letter concerning the Subpoena (the "Joint Discovery Letter"), otherwise due on  
 4 January 5, 2024, to January 16, 2024. Dkt. 6.

5       5. On January 16, 2024, the Parties filed the Joint Discovery Letter. Dkt. 7.

6       6. On February 12, 2024, the Court issued an order for the Parties to submit a Joint  
 7 Supplemental Letter Brief, not to exceed four pages, to be filed with the Court by **Friday, March**  
 8 **1, 2024.** Dkt. 14 (the "February 12 Order").

9       7. The Lunar New Year holiday period, observed in much of Asia, began on February  
 10, 2024, shortly before the February 12 Order.

11       8. The Parties believe that in light of the holiday period in Asia, it is appropriate to  
 12 extend the deadline for filing the Joint Supplemental Letter Brief. The Parties thus agree to extend  
 13 the deadline for filing the Joint Supplemental Letter Brief by fourteen (14) days, to **Friday,**  
 14 **March 15, 2024.**

15       8. Good cause exists for the requested extension because it will facilitate preparation  
 16 of a Joint Supplemental Letter Brief that adequately addresses the topics specified in the February  
 17 12 Order, thereby facilitating the Court's resolution of this matter.

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1           9. With the exception of the extension granted on January 8, 2024, the Parties have  
 2 not sought any other time extensions from the Court, and the proposed extension will not change  
 3 any other dates or deadlines in this matter.

4           NOW THEREFORE, the Parties agree as follows:

5           Upon consent of the Court, the Parties shall file the Joint Supplemental Letter Brief on or  
 6 before March 15, 2024.

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8 DATED: February 29, 2024

RESPECTFULLY SUBMITTED,

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JAMES D. BERKLEY  
 MITCHELL SILBERBERG & KNUPP LLP

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12 DATED: February 29, 2024

By: /s/ James D. Berkley  
 James D. Berkley  
 Attorney for Cognosphere Pte. Ltd.

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JON HAWK  
 McDERMOTT WILL & EMERY LLP

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By: /s/ Jon Hawk  
 Jon Hawk  
 Attorney for X Corp.

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**Attestation Regarding Signatures-Local Rule 5-1(i)(3)**

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I, James D. Berkley, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

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By: /s/ James D. Berkley  
 James D. Berkley  
 Attorney for Cognosphere Pte. Ltd.

1 JAMES D. BERKLEY (SBN 347919), [jdb@msk.com](mailto:jdb@msk.com)  
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4 Attorney for Cognosphere Pte. Ltd.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 In re DMCA Subpoena to X Corp. dba Twitter

MISC. CASE NO. 3:23-mc-80294-PHK

12 Judge: Hon. Peter H. Kang

13  
14 **DECLARATION OF JAMES D.**  
**BERKLEY IN SUPPORT OF**  
**STIPULATION REGARDING**  
**EXTENSION OF TIME TO FILE JOINT**  
**SUPPLEMENTAL LETTER BRIEF**

15  
16 *[Stipulation and [Proposed] Order Filed*  
*Concurrently Herewith]*

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1 I, James D. Berkley, declare as follows:

2 1. I am an attorney-at-law, duly licensed to practice law in the State of California and  
 3 before this Court. I am Special Counsel at the law firm of Mitchell Silberberg & Knupp LLP  
 4 (“MSK”), and am counsel of record for Cognosphere Pte. Ltd. (“Cognosphere”), movant in this  
 5 miscellaneous matter. Unless otherwise noted, I know the following of my own personal  
 6 knowledge and, if called as a witness, could and would competently testify thereto.

7 2. On November 6, 2023, Cognosphere initiated this miscellaneous matter by filing a  
 8 request with the Court for issuance of a subpoena to X Corp. pursuant to 17 U.S.C. §512(h). Dkt.  
 9 1.

10 3. On November 7, 2023, this Court issued the proposed subpoena, which identified a  
 11 response date of November 22, 2023 (the “Subpoena”). Dkt. 3.

12 4. On November 21, 2023, X Corp. responded to the Subpoena with written  
 13 objections. The Parties have met and conferred, but to date have not agreed on a resolution  
 14 concerning the requests to produce information contained in the Subpoena.

15 5. On January 8, 2024, pursuant to the Court’s Discovery Standing Order and a  
 16 stipulation by the Parties dated January 5, 2024, the Court extended the date for the Parties to file  
 17 a joint discovery letter concerning the Subpoena (the “Joint Discovery Letter”), otherwise due on  
 18 January 5, 2024, to January 16, 2024. Dkt. 6.

19 6. On January 16, 2024, the Parties filed the Joint Discovery Letter. Dkt. 7.

20 7. On February 12, 2024, the Court issued an order for the Parties to submit a Joint  
 21 Supplemental Letter Brief, not to exceed four pages, to be filed with the Court by Friday, March 1,  
 22 2024. Dkt. 14 (the “February 12 Order”).

23 8. I understand that the Lunar New Year holiday period, observed in much of Asia,  
 24 began on February 10, 2024.

25 9. The Parties believe that in light of the New Year holiday period in Asia, it is  
 26 appropriate to extend the deadline for filing the Joint Supplemental Letter Brief. The Parties thus  
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1 agree, upon the Court's consent, to extend the deadline for filing the Joint Supplemental Letter  
2 Brief by fourteen (14) days, to Friday, March 15, 2024.

3           10. With the exception of the extension identified in Paragraph 5 above, the Parties  
4 have not sought any other time extensions from the Court, and the proposed extension will not  
5 change any other dates or deadlines in this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

8 Executed this 29th day of February, 2024, at Los Angeles, California.

/s/ James D. Berkley

James D. Berkley

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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Judge: Hon. Peter H. Kang

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**[PROPOSED] ORDER GRANTING  
STIPULATION REGARDING  
EXTENSION OF TIME TO FILE JOINT  
SUPPLEMENTAL LETTER BRIEF**

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*[Stipulation and Declaration of James D.  
Berkley Filed Concurrently Herewith]*

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MISC. CASE NO. 3:23-mc-80294-PHK

~~[PROPOSED] ORDER~~

1 After full consideration of the Parties' Stipulation Regarding Extension of Time to File  
2 Joint Supplemental Letter Brief (the "Stipulation"), the Court hereby orders as follows:

3 The Stipulation is **GRANTED**:

4 The Parties shall file the Joint Supplemental Letter Brief on or before March 15, 2024.

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6 DATED: February 29, 2024



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Honorable Peter H. Kang  
United States Magistrate Judge